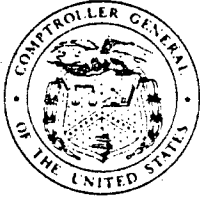


DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-183315

DATE: NOV 28 1975

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MATTER OF: Mr. Noah F. Bradley

DIGEST: Claim for proceeds of allotment checks allegedly never received by allottees was denied on basis that claimant failed to make inquiry concerning claim for protracted period during which time the records which may prove or disprove the validity of the claim had been destroyed. Subsequent submission of sworn statements by parties concerning their memory of events which occurred approximately 30 years ago. may not be considered satisfactory evidence of the validity and nonpayment of the claim and no alternative exists but to deny claim.

This action is in response to a request from Brian Stromsoe, Esq., for reconsideration of the claim of Mr. Noah F. Bradley for the proceeds of allotment checks in the amount of \$100 each during the period August 1, 1944, to November 30, 1945, which he claims were never received by the allottees, Mr. Bradley's parents. The request for reconsideration was accompanied by affidavits submitted by various individuals attesting to the best of their recollection that Mr. Bradley's parents never received the checks.

By settlement dated December 30, 1974, issued by our Transportation and Claims Division (now Claims Division), Mr. Bradley was advised that the records pertaining to allotments during the period in question had been destroyed pursuant to law. He was also advised that in such circumstances, the accounting officers of the Government have long held that in the absence of clear and satisfactory evidence of validity and nonpayment of a claim, favorable consideration could not be given to the matter where a claimant has failed to act on his claim for a long period of years. However, if the serial numbers of any uncashed allotment checks could be provided, a further search of the official records could be made.

Mr. Bradley responded to the settlement by stating that he was unable to provide the serial numbers of the checks, since it was his belief that the checks had never been issued.

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Subsequently, in our decision B-183315, April 10, 1975, it was pointed out that the burden of proof as to the existence and nonpayment of a valid claim against the Federal Government is on the person asserting such claim. It was also noted therein that while proof of the payment or nonpayment of an otherwise valid claim may ordinarily be established from Government records, when such records have been destroyed pursuant to law and the claimant has failed to make inquiry over a protracted period, this Office has no alternative but to presume that the payment was made and the claim is without foundation.

The statements submitted by Mr. Bradley's attorney from various people in support of the contention that allotment checks were not received by Mr. Bradley's parents, merely attest that, to the best of the knowledge of those making the statements, his parents did not receive the checks. Such statements may not be considered as constituting clear and satisfactory evidence of validity and nonpayment of the claim, particularly where the statements relate to their memory of events which occurred approximately 30 years ago.

Accordingly, we have no alternative but to affirm our decision of April 10, 1975, and no further action will be taken on Mr. Bradley's claim.

Paul G. Dembling

For the Comptroller General
of the United States